

HOUSE BILL 54

D1
HB 108/14 – JUD

5lr1028
CF SB 64

By: **Chair, Judiciary Committee (By Request – Maryland Judicial Conference)**

Introduced and read first time: January 19, 2015

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2015

CHAPTER _____

1 AN ACT concerning

2 **Circuit Court Real Property Records Improvement Fund – Funding**

3 FOR the purpose of requiring the State Court Administrator to assess a certain surcharge
4 on certain fees, charges, and costs in certain cases in the Court of Appeals, Court of
5 Special Appeals, and circuit courts; requiring the Chief Judge of the District Court
6 to assess a certain surcharge in certain cases; requiring the surcharges to be
7 deposited in the Circuit Court Real Property Records Improvement Fund; providing
8 for the construction of this Act; and generally relating to the Circuit Court Real
9 Property Records Improvement Fund.

10 BY repealing and reenacting, with amendments,
11 Article – Courts and Judicial Proceedings
12 Section 7–102, 7–202(e) and (f), 7–301(c), and 13–603(a)
13 Annotated Code of Maryland
14 (2013 Replacement Volume and 2014 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Courts and Judicial Proceedings
17 Section 7–202(d) and 13–603(c)
18 Annotated Code of Maryland
19 (2013 Replacement Volume and 2014 Supplement)

20 BY adding to
21 Article – Courts and Judicial Proceedings
22 Section 7–202(e)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2013 Replacement Volume and 2014 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
4 That the Laws of Maryland read as follows:

5 **Article – Courts and Judicial Proceedings**

6 7–102.

7 (A) The State Court Administrator shall determine the amount of fees to be
8 charged by the Clerk of the Court of Appeals and the Clerk of the Court of Special Appeals,
9 with the approval of the Board of Public Works.

10 (B) THE STATE COURT ADMINISTRATOR, AS PART OF THE
11 ADMINISTRATOR'S DETERMINATION OF THE AMOUNT OF FEES TO BE CHARGED BY
12 THE CLERK OF THE COURT OF APPEALS AND THE CLERK OF THE COURT OF
13 SPECIAL APPEALS, SHALL ASSESS A SURCHARGE THAT SHALL BE:

14 (1) \$11 PER CASE; AND

15 (2) DEPOSITED INTO THE CIRCUIT COURT REAL PROPERTY
16 RECORDS IMPROVEMENT FUND ESTABLISHED UNDER § 13–602 OF THIS ARTICLE.

17 7–202.

18 (d) The State Court Administrator, as part of the Administrator's determination
19 of the amount of court costs and charges in civil cases, shall assess a surcharge that:

20 (1) May not be more than \$55 per case; and

21 (2) Shall be deposited into the Maryland Legal Services Corporation Fund
22 established under § 11–402 of the Human Services Article.

23 (E) (1) IN ADDITION TO THE SURCHARGE ASSESSED UNDER SUBSECTION
24 (D) OF THIS SECTION, THE STATE COURT ADMINISTRATOR, AS PART OF THE
25 ADMINISTRATOR'S DETERMINATION OF THE AMOUNT OF COURT COSTS AND
26 CHARGES IN CIVIL CASES, SHALL ASSESS A SURCHARGE THAT:

27 (I) 1. EXCEPT AS PROVIDED IN ITEM 2 OF THIS ITEM, SHALL
28 BE \$30 PER CASE; AND

29 2. EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
30 SUBSECTION, SHALL BE \$6 TO REOPEN ANY CIVIL CASE; AND

1 4. Warrant of restitution.

2 (ii) The revenue generated from the surcharge on filing fees collected
3 by the District Court in Baltimore City under subparagraph (i) of this paragraph shall be:

4 1. Remitted quarterly to the Baltimore City Director of
5 Finance; and

6 2. Used to fund the enhancement of sheriff benefits and the
7 increase in sheriff personnel to enhance the service of domestic violence orders.

8 **(4) IN ADDITION TO THE SURCHARGE ASSESSED UNDER PARAGRAPHS
9 (2) AND (3) OF THIS SUBSECTION, THE CHIEF JUDGE OF THE DISTRICT COURT
10 SHALL ASSESS A SURCHARGE THAT:**

11 **(I) MAY NOT BE MORE THAN:**

12 1. **\$3 PER SUMMARY EJECTMENT CASE; AND**

13 2. **\$8 PER CASE FOR ALL OTHER CIVIL CASES; AND**

14 **(II) SHALL BE DEPOSITED INTO THE CIRCUIT COURT REAL
15 PROPERTY RECORDS IMPROVEMENT FUND ESTABLISHED UNDER § 13-602 OF THIS
16 ARTICLE.**

17 **[(4)] (5)** The Court of Appeals may provide by rule for waiver of
18 prepayment of filing fees and other costs in cases of indigency.

19 13-603.

20 (a) The Fund consists of:

21 (1) Surcharges collected under **[\$ 13-604] §§ 7-102(B), 7-202(E), AND
22 7-301(C)(4) OF THIS ARTICLE AND § 13-604** of this subtitle; and

23 (2) Revenues from copies made on equipment bought through the Fund.

24 (c) The Fund shall be used to pay:

25 (1) The operating expenses of the land records offices of the clerks of the
26 circuit courts and to repair, replace, improve, modernize, and update office equipment and
27 equipment related services in the land records office of the clerk of the circuit court for each
28 county, as the Administrator considers appropriate, with advice from the oversight
29 committee; and

1 (2) For major information technology development projects of the Judiciary
2 Department, as the Administrator considers appropriate.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed
4 to authorize the imposition of a surcharge in a filing fee in any criminal case filed in a
5 circuit court or the District Court of Maryland.

6 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 July 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.